

Application No. 09/191,702
Amendment dated December 16, 2004
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REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of this response, claims 1, 2, 7, 8, 11, 12, 14, 15, 17 – 19, 36, 38, and 40 – 45 will be pending.

Applicant respectfully requests entry of this amendment since no new issues are raised by this response and it places the application in better form for appeal.

Claims Rejections Under 35 U.S.C. § 103

A. Claims 1, 2, 7, 8, 11, 14, 17 – 19, 36, and 40 – 45 were rejected under 35 U.S.C. § 103(a) over Franz et al. (DE 196 08 002) in view of Nelson et al. (U.S. Patent No. 5,325,795). Applicant respectfully traverses this rejection.

Claim 1 recites, in part, an apparatus for the separation of waste constituents from matrices that includes a vessel with a frame adapted to receive one or more removable trays and the one or more removable trays are adapted to be inserted in the frame. The one or more removable trays comprises a bottom part and peripheral sidewalls extending therefrom and the bottom part is structured so as to define orifices in the bottom. The Office Action, relying on a machine translation of Franz, alleges that Franz discloses one or more removable trays 2. See paragraph 3(ii) of the Office Action. Applicant respectfully disagrees.

Franz merely discloses a heating module 1 and a chamber module 2. The heating module 1 includes a soil isolation 10 on which a soil carrying module 13 rests. The chamber module 2 includes chamber walls 17 (See column 5). Although the Office Action alleges that the chamber module 2 includes a bottom part 13 and sidewalls 17, there is no such disclosure in Franz. Franz actually discloses that the carrying module 13 is part of the heating module 1, not the chamber module 2. Nelson does not remedy at least this deficiency in Franz. Therefore, no combination of Franz and Nelson discloses, teaches or suggests one or more removable trays comprising a bottom part and peripheral sidewalls extending therefrom and that the bottom part is structured so as to define orifices in the bottom, as recited in claim 1.

Claim 40 is believed allowable for at least the same reasons presented above with respect to claim 1 since claim 40 recites, in part, one or more removable trays having a bottom part that is capable of supporting the matrices and is structured so that orifices are defined in said bottom part.

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Claims 2, 7, 8, 11, 14, 17 – 19, 36, and 41 – 45 are believed allowable for at least the same reasons presented above with respect to claims 1 and 40 by virtue of their dependence upon claims 1 and 40. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

B. Claim 12 was rejected under 35 U.S.C. § 103(a) over Franz in view of Nelson and further in view of Sewell et al. (U.S. Patent No. 682,118). Applicant respectfully traverses this rejection.

Claim 12 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of its dependence upon claim 1 and because Sewell does not teach or suggest at least the subject matter of claim 1 and because Sewell does not remedy the deficiencies of Franz in view of Nelson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

C. Claim 15 was rejected under 35 U.S.C. § 103(a) over Franz in view of Nelson and further in view of Schultz et al. (U.S. Patent No. 4,924,785). Applicant respectfully traverses this rejection.

Claim 15 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of its dependence upon claim 1 and because Schultz does not teach or suggest at least the subject matter of claim 1 and because Schultz does not remedy the deficiencies of Franz in view of Nelson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

D. Claim 38 was rejected under 35 U.S.C. § 103(a) over Franz in view of Nelson and further in view of Nora et al. (EP 0 695 214). Applicant respectfully traverses this rejection.

Claim 38 is believed allowable for at least the same reasons presented above with respect to claim 1 by virtue of its dependence upon claim 1 and because Nora does not teach or suggest at least the subject matter of claim 1 and because Nora does not remedy the deficiencies of Franz in view of Nelson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

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Conclusion

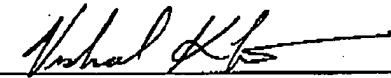
Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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